

### **REMARKS**

In response to the office action claim 1-8 and 10 have been amended.  
Reconsideration of the claims is requested.

**The Examiner rejected claims 1-10 under 35 U.S.C. 112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.** In particular, the Examiner stated that in regard to claims 1, 8 and 10, the scope of the claims is unclear because of the use of the terms "first and second locking means". In response, Applicant has replaced the "first locking means" with the term "key lock", and the "second locking means" with the term "motor lock".

Secondly, the Examiner stated that in regards to claims 1 and 10, the use of the term "piston" does not appear to correctly define the structural element identified thereby. In response, Applicant has replaced the word "piston" with the term "coupling member".

Finally, the Examiner stated that in Claim 8, the limitation "rack cavity" lacks sufficient antecedent basis. Applicant has therefore amended the wording on the claim to correct this situation.

Applicant respectfully submits that the amendments made to Claims 1-10 overcome the objections under 35 U.S.C., 112, second paragraph.

**The Examiner objected to the drawings under 37 C.F.R. 1.83(a) and specifically required that the second locking means, a motor, a key activator and**

**an electromechanical locking means be shown in the drawings, or that the features be canceled from the claims.** In response, Applicant proposes to amend Figs. 1-3 to more clearly indicate these components. Applicant is enclosing herewith marked up copies of these three figures with the changes shown in red. Once the Examiner has approved these changes, formal drawings will be provided.

The Applicant respectfully submits that the key lock was clearly identified in the original drawings as the component "74". In the amendment as proposed, Applicant has inserted the motor (100) that is encased in the illustrated, but unnumbered, housing, together with a drive shaft 102 that drives the originally illustrated gear 48 along splines 46. Applicant has added a reference number to more clearly identify the motor lock, that number being "99".

Applicant submits that support for these drawing amendments is found on page 6, lines 3-8; and on page 7, lines 11-17. In accordance with the changes made to the drawings, Applicant has also amended the specification, page 6, lines 3-8 and page 7, lines 11-17 to include the numbers added to Figs. 1-3. Applicant submits that no new matter has been added to this application by way of these amendments and that the objection to the drawings has been overcome.

**The Examiner rejected claims 1-5 and 7-10 under 35 U.S.C. 102(b) as being anticipated by Meriläinen et al (5,199,288).** In response, Applicant submits that Claim 1 of the instant application is directed toward a dual lock apparatus of the type that includes a locking bolt moveable between a first position where said locking bolt extends outwardly from said apparatus and a second position whereby said locking bolt is contained within said apparatus. The claim further includes the limitation of:

***"a slider moveable between a first position and a second position and including a first end associated with said locking bolt such that movement of the slider causes corresponding movement of the locking bolt, and a second end associated with a key lock and a motor lock, whereby independent operation of the key and motor locks is controlled by a clutch mechanism"***

The Examiner has stated that Meriläinen et al teaches a device that includes a slider (34). Applicant respectfully submits that it is dubious that this component acts as a slider. But, if one does consider this component to be a slider, then it would be slider that has two ends and a middle part, with the middle part being attached to the locking bolt. The motor lock acts upon the bottom end of the slider (34) and the key lock acts upon the top end of the slider (34). In contrast, Applicant teaches and claims that one end of the slider acts upon the locking bolt and the other end of the slider is engaged by either the key lock or the motor lock. Applicant respectfully submits that the above limitation is not found in Meriläinen et al 's device and that consequently this reference does not anticipate Claim 1 of the instant application.

Furthermore, Claim 1 includes the following limitation:

***"the clutch mechanism including an aperture which extends through said slider and a coupling member moveable between at least a first and second position within said slider aperture"***

Applicant respectfully submits the Meriläinen et al does not teach a clutch mechanism as found in the present application, nor does the reference teach a coupling member that is moveable between two distinct positions. Applicant therefore respectfully submits that Claim 1 further distinguishes over Meriläinen et al and therefore the claim is not anticipated by this reference.

Additionally, Claim 1 of the instant application includes the limitation that:

***"said motor lock including a slidable member moveable between a first and a***

*second position, said slidable member further including an outwardly biased locking member adapted to engage said slider aperture to thereby mechanically connect said motor lock with said slider to thereby effect movement of said slider upon movement of said member"*

Applicant submits that Meriläinen et al teaches an electric motor that drives the bolt through use of a rotatable wheel that has several pins. One of the pins engages the fork that moves the bolt in and out. The other two pins act to both engage and disengage the deadbolt. The movement is rotational and unlike the present invention the sliding motion is achieved by use of a rotating wheel. The need to include a rotating wheel to effect the movement of the bolt has great implications for the size of the lock. Applicant submits that lock taught by Meriläinen et al will be relatively much larger than the lock of the present invention. The lock disclosed by Applicant can be quite small, thus enabling it to be fitting to small sliding doors.

While Meriläinen et al and the present invention appear to provide the same solution, they are in fact quite different as is evidenced by the complexity of the device disclosed by Meriläinen et al . In the present invention the bolt is acted upon by one end of the slider that is always in contact with the bolt, with the other end of the slider being alternatively coupled by either the motor or the key lock. In contrast, Meriläinen et al teaches a complex system where the key lock and the motor lock operate on opposite sides of the slider and the bolt.

With respect to the other independent claims, i.e., Claims 8 and 10, Applicant respectfully submits that the particular arrangements of the components claimed herein are simply not found in the prior art.

Applicant respectfully submits that Claim 1-5 and 7-10 distinguish over


Meriläinen et al and are not anticipated by this reference and that the claims are therefore allowable.

**The Examiner rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Meriläinen et al.** In response, Applicant submits that claim 1 distinguishes over this reference and that consequently claim 6 is allowable for being dependent upon an allowable base claim.

Applicant respectfully submits that claims 1-10 are now in condition for allowance and the early issuance of a Notice to this effect is earnestly solicited.

Respectfully submitted at Canton, Ohio this 30<sup>th</sup> day of November, 2006.

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Docket No. 1849023US1ANP

Enclosure - Revised Figs. 1, 2 and 3